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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/257,209	02/25/1999	KATSUHIRO OCHIAI	040447-0186	1872

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EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/257,209

Applicant(s)

OCHIAI, KATSUHIRO

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 11-27 and 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 28, 29 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4, 7-10 have been considered but are moot in view of the new ground(s) of rejection.

The applicant attempted to amend independent claims 1, 3, 7, 9, 28, 29 to conform to claims 30-40. However, claims 1, 3, 7, 9, 28, 29 recite, "without an input by a user", whereas claims 39-40 recite, "without first being requested to do so by any other apparatus", thus the two groupings have different scopes. Therefore, the examiner uses Iwamura in view of Ito to reject claims 1, 3, 7, 9, 28, 29 and Iwamura in view of Ito in further view of Caputo to reject claims 39-40. Moreover, claim 3 recites "at least one of", which does not conform to claims 1, 3, 7, 9, 28, 29, 39-40.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last office action is taken as an admission of the fact(s) noticed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-10, 28-29, 35-38, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura (US Patent # 5,883,621) in view of Ito (US Patent # 6,085,019).

Regarding claim 1, Iwamura discloses a network 10 (column 3, lines 20-34).

Iwamura discloses a network management apparatus 100 for managing said network (maintains topology: column 3, lines 20-34)

Iwamura discloses plural types of video apparatuses connected to said network 10 (figures 6, 10, 11), each of said video apparatuses being capable of inquiring about state information of all others of said video apparatuses (play and record: column 8, lines 11-42) by sending an inquiry to said network management apparatus 100 (sends info to IRD 100: column 4, line 55-column 5, line 33).

Iwamura discloses wherein each of said plural types of video apparatuses transmits the state information relating to functions (DVCR1 tells network that it is a VCR: column 8, lines 18-33), service-availability (VCR1 tells network it is available to record: column 8, lines 18-33) and stored programs thereof to said network (DVD player plays info onto network: column 8, lines 18-33).

Iwamura fails to disclose said network management apparatus 100 stores the state information relating to stored programs of plural types of video apparatuses...without an input by a user. In analogous art, Ito discloses said network management apparatus 34 stores the state information relating to stored programs of video apparatus 26 and wherein said one of said video apparatuses 2 makes a sole determination as to the communication partner of said one of said video apparatuses based on the state information that said network management apparatus 34 received from the other video apparatuses and forwarded to said one of said video apparatuses without an input by a user (column 7, lines 15-53). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura to have said network management apparatus stores the state information relating to stored programs of

Art Unit: 2611

video apparatus...without an input by a user as taught by Ito for the benefit of notifying the network management apparatus of what programs are stored in certain places.

Regarding claim 2, Iwamura discloses there are provided a plurality of video apparatuses of the same type, which are connected to said network (VCRs: figures 6, 7, 10, and 11).

Regarding claims 3-4, the limitations in claims 3-4 have been met in claims 1-2 rejections.

Regarding claims 7-8, the limitations in claims 7-8 have been met in claims 1-2 rejections.

Regarding claims 9-10, the limitations in claims 9-10 have been met in claims 1-2 rejections.

Regarding claims 28-29, the limitations in claims 28-29 have been met in claims 1-2 rejections.

Regarding claims 35-36, Ito discloses the communication partner is automatically selected by one of the video apparatuses concerning currently available resources and the video apparatuses do not include resources that are currently assigned to any video apparatuses (column 7, lines 15-31).

Neither Iwamura nor Ito discloses the network management apparatus does not select the communication partner for one of the video apparatuses. The examiner takes Official Notice that peer to peer communication is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura in view of Ito to have one video apparatus select a communication partner of another video apparatus in order to lessen the burden of the network management apparatus.

Regarding claims 37-38, Ito discloses the communication partner is automatically selected by one of the video apparatuses based on information concerning currently available resources for each of the other apparatuses that is provided to the one of the video apparatuses and the video apparatuses do not include resources that are currently assigned to any video apparatuses (column 7, lines 15-31).

Regarding claim 41, Iwamura in view of Ito discloses the video apparatus as claimed in claim 10, wherein the plurality of video apparatuses of the same type correspond to a plurality of video storing apparatuses 10 (Ito: column 7, lines 15-53).

Iwamura in view of Ito discloses wherein another of the plural types of video apparatuses corresponds to a video reception apparatus 26 (Ito: column 7, lines 15-53).

Iwamura in view of Ito discloses the video reception apparatus 26 receives the corresponding state information from each of the plurality of video storing apparatuses 10 when a video program is received by the video reception apparatus 26, in order to determine an optimal one of the plurality of video storing apparatuses to store the video program therein and thereby become the communication partner of the video reception apparatus (column 7, lines 15-53).

Regarding claim 42, the limitations in claim 42 have been met in claim 41 rejection. Iwamura has met the additional limitation on display apparatus 102 (column 8, lines 11-43).

3. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura in view of Ito in further view of Caputo (US Patent # 5,675,831).

Regarding claim 39, the limitations in lines 1-18 of claim 39 have been met in claim 1 rejection.

As disclosed, Iwamura in view of Ito discloses video apparatuses exchanging state information. However, Iwamura in view of Ito fails to disclose wherein when another apparatus is newly connected to said network (bus), said another apparatus outputs on the network, without first being requested to do so by any other apparatus, information concerning the state information of said another apparatus. In analogous art, Caputo discloses when another apparatus is newly connected to said network (bus), said another apparatus outputs on the network, without first being requested to do so by any other apparatus, information concerning the state information of said another apparatus (non plug and play: column 9, line 56-column 10, line 10) for the benefit of having the user specify information for some devices. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iwamura in view of Ito to have whenever another apparatus is newly connected to said network, said another apparatus outputs on the network, without first being requested to do so by any other apparatus, information concerning the state information of said another apparatus as taught by Caputo in order to give the user more control of device connections.

Regarding claim 40, the limitations in claim 40 have been met in claim 39 rejection.

### *Conclusion*


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (571) 272-7292. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC

  
CHRIS GRANT  
PRIMARY EXAMINER